

# Exhibit 1

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10 **ehoaglund@mhcilaw.com**  
11 *Counsel for Indirect Purchaser Plaintiffs*

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)**  
**ANTITRUST LITIGATION**

Case No. 3:07-cv-5944  
MDL No. 1917

**CLASS ACTION**

This Document Relates to:  
All Indirect Purchaser Actions

**AFFIDAVIT OF R. BRENT IRBY IN  
SUPPORT OF TENNESSEE CLASS  
COUNSEL'S OBJECTION TO LEAD  
COUNSEL'S PROPOSED ALLOCATION OF  
AGGREGATE FEE AWARD TO INDIRECT  
PURCHASER PLAINTIFFS' COUNSEL**

Court: JAMS  
Special Master: Martin Quinn, JAMS  
Judge: Hon. Jon S. Tigar

**AFFIDAVIT OF R. BRENT IRBY IN SUPPORT OF TENNESSEE CLASS COUNSEL'S OBJECTION TO  
LEAD COUNSEL'S PROPOSED ALLOCATION OF AGGREGATE FEE AWARD TO INDIRECT  
PURCHASER PLAINTIFFS' COUNSEL**

1 The undersigned, R. Brent Irby, being first cautioned and duly sworn on oath, states as  
2 follows:

3 1. My name is R. Brent Irby. I am an attorney licensed to practice before the courts of  
4 Tennessee, Alabama and Georgia, and a Partner and Shareholder in the law firm McCallum,  
5 Hoaglund, Cook & Irby, LLP. I have personal knowledge of the facts stated in this declaration  
6 and, if called as a witness, I could and would testify competently to them.

7 2. The law firm of McCallum, Hoaglund, Cook & Irby, LLP ("MHCI") acted as  
8 counsel for the Tennessee class of Indirect Purchaser Plaintiffs ("IPP") in this matter. Tennessee  
9 Class Counsel was responsible for securing the only Tennessee Indirect Purchaser Plaintiff, Albert  
10 Crigler, in the litigation. Throughout the litigation, Tennessee Class Counsel worked closely with  
11 the Tennessee class representative in securing evidence pertaining to his CRT tube purchase,  
12 gathering and preparing discovery responses, providing case status updates, and in the preparation  
13 and defense of the Tennessee class representative's deposition. Tennessee Class Counsel also  
14 worked on additional projects and assignments on behalf of IPPs, all of which were approved by  
15 Lead Counsel.

16 3. As Tennessee Class Counsel, MHCI incurred a total lodestar of \$311,695 at current  
17 rates.

18 4. Tennessee Class Counsel incurred a total of \$19,475.41 in unreimbursed expenses  
19 in this matter, \$12,000 of which represents contributions to the Litigation Fund requested by Lead  
20 Counsel.

21 5. McCallum, Hoaglund, Cook & Irby, LLP is a small, 4-man law firm, and all case  
22 expenses, including those incurred in this matter, are carried by the firm on a case expense line of  
23 credit until reimbursed at the conclusion of a case.

24 6. At all times throughout the litigation, Tennessee Class Counsel remained willing,  
25 capable, and eager to receive and complete any work or projects needed in the case, and expressed  
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1 that willingness to Lead Counsel on several occasions. No work assignments were forthcoming  
2 unless affirmatively sought after and initiated by Tennessee Class Counsel.

3 7. In July 2015, Tennessee Class Counsel submitted their total lodestar, along with  
4 supporting materials and declaration, to Lead Counsel. This lodestar totaled \$311,695 at current  
5 rates. This lodestar submission was made to Lead Counsel after a careful review and audit  
6 performed by Tennessee Class Counsel to ensure accuracy and efficiency.  
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8 8. In August 2015, Lead Counsel requested that Tennessee Class Counsel delete  
9 certain entries from their time sheets, including "unassigned time spent reviewing ECF filings not  
10 relevant or beneficial to the prosecution of the case." Tennessee Class Counsel noted to Lead  
11 Counsel that, while review of these court filings was not performed at the express direction of  
12 Lead Counsel, as counsel for the only Tennessee class representative, review of court filings was  
13 performed to adequately, competently, and ethically represent the interests of the Tennessee class  
14 representative and putative class members.  
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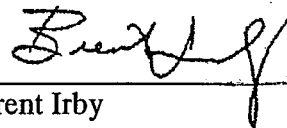
16 9. In an effort to cooperate with Lead Counsel, Tennessee Class Counsel agreed to  
17 delete certain entries and reduce its lodestar to \$199,025, although Tennessee Class Counsel  
18 believed that the Special Master would approve their original submission. In exchange for  
19 diminishing Tennessee Class Counsel's lodestar by some \$112,000 (36%), Lead Counsel indicated  
20 to Tennessee Class Counsel that the lodestar reduction would be more than recouped through the  
21 multiplier sought in the Award of Attorneys' Fees for IPP class counsel.  
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23 10. Thus, at the request of Lead Counsel, Tennessee Class Counsel agreed to  
24 substantially reduce their lodestar submission, with the understanding that the lodestar shortfall  
25 would be made up for through the multiplier sought in the Joint Motion for Award of Attorneys'  
26 Fees for IPP Class Counsel. The 1.96 multiplier sought will return Tennessee Class Counsel to  
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1 their true incurred lodestar with a negligible multiplier, which is fair and reasonable under the  
2 circumstances.

3 11. Tennessee Class Counsel, McCallum, Hoaglund, Cook & Irby, LLP, is a small, four  
4 (4) lawyer firm, and hence any attorney time and/or resources devoted to this litigation  
5 substantially impacted their availability to handle other matters.  
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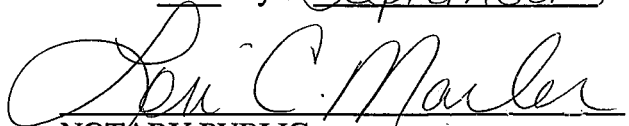
7  
8 FURTHER AFFIANT SAYETH NOT.

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10   
R. Brent Irby

11  
12 STATE OF ALABAMA )

13 JEFFERSON COUNTY )

14 Sworn to and subscribed in my presence this 7<sup>th</sup> day of September, 2016.

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17 NOTARY PUBLIC  
MY COMMISSION EXPIRES: 7/27/30  
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